

ADMINISTRATIVE OFFICE OF THE COURTS

COURTS OF APPEAL BUILDING
ANNAPOLIS, MARYLAND 21401
(410) 974-2141

STATE COURT ADMINISTRATOR
GEORGE B. RIGGIN, JR.



DEPUTY STATE COURT ADMINISTRATOR
FRANK BROCCOLINA

MEMORANDUM TO: Clerks of the Circuit Courts
FROM: George B. Riffin, Jr.
SUBJECT: Information Reports
DATE: January 24, 1995

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/1995

Effective February 1, 1995, Md. Rules 2-111(a), 2-323(h), and 1211b have been amended with respect to the filing of information reports in civil cases. A copy of those Rules, with the recent amendments, is enclosed.

Rule 2-111(a) requires plaintiffs to file a report, substantially in the form available from the clerk pursuant to Rule 1211b, in every civil case, except those categories of cases exempted by Administrative Order of the Chief Judge of the Court of Appeals approved by the Court of Appeals. The Chief Judge has signed such an order, which was approved by the Court on January 10, 1995; like the amendments to the Rules, it takes effect February 1, 1995. A copy of the Order is also enclosed. Please note that the amendment to Rule 1211b requires you to make this Order available for public inspection. The categories of cases exempted in the Order will also be listed in a Committee Note to Rule 2-111(a), but it may be several months before Michie republishes the Rules. If any question arises with respect to whether a plaintiff must file the information report, you should refer the person filing the complaint to Rule 2-111(a) and the Administrative Order.

Please note that the only sanction provided in Rule 2-111 for failure to file an information report is that the court may place the case on a DCM track without the plaintiff's input. You must accept the complaint, even if it is not accompanied by an information report, and you need not send any letter or other notice merely because of a missing information report. Earlier proposals for those sanctions were not adopted by the Court.

Rule 2-323(h) requires a defendant to file an information report in only four circumstances: (1) where the plaintiff is required to file a report and fails to do so; (2) where the defendant disagrees with information included in a report filed by the plaintiff; (3) where the court has already designated a



DCM track before the defendant files an answer and the defendant disagrees with that track; and (4) where the defendant has filed or expects to file a counterclaim, cross-claim, or third party claim. **As in the case under Rule 2-111, the only sanction for a defendant's failure to file an information report is that the court may track the case without the defendant's input.**

Two forms of information report have been prepared: one for domestic cases and one for all other civil cases requiring a report. We have enclosed sufficient copies of these forms for your immediate use. In the future, additional copies will need to be supplied by your offices. **These forms are uniform, State-wide forms and may be used in any circuit court.** They are each a one-page form, but require information on front and back. In non-domestic cases, Baltimore City and Baltimore and Prince George's Counties will base the DCM tracking, in part, on information provided on the back of the form. The other circuit courts need only the information on the front page. In domestic cases, both sides need to be completed in all circuits.

There will no doubt be some confusion as lawyers and litigants learn about the need to file these forms. If you have any questions, please call Tony Dix at AOC (410) 974-2186 or Fred Williams at AOC (410) 974-2475.

GBR:tmt
Enclosure



IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Twenty-Eighth Report to the Court recommending thereby certain proposed new rules and proposed amendments to existing rules some of which proposed rule changes are recommended to be adopted, on an emergency basis and all as set forth in that Report published in the Maryland Register, Vol. 21, Issue 26, Pages 2164-2178 (December 23, 1994); and

This Court having previously adopted the recommended emergency amendment to Rule 1206 by Rules Order dated December 29, 1994; and

This Court having considered the remaining proposed emergency rule changes at an open meeting, notice of which was posted as prescribed by law, and having found that an emergency does in fact exist with reference to the proposed amendments to Rules 2-111, 2-323, 1211, 1-202, 2-124, 3-124, 2-321, 2-644, 3-644, 7-102, BG71, and S72, it is this 10th day of January, 1995,



ORDERED, by the Court of Appeals of Maryland, that the proposed amendment to Rule 2-111 be and it is hereby adopted as previously published, with the contents of the Administrative Order approved by the Court as of February 1, 1995 included therein in the form attached hereto; and it is further

ORDERED, that the proposed amendments to Rules 2-323, 1211, 1-202, 2-124, 3-124, 2-321, 2-644, 3-644, 7-102, BG71, and S72 be and they are hereby adopted in the form previously published; and it is further

ORDERED, that action on all other proposed new rules and proposed amendments to existing rules contained in the One Hundred Twenty-Eighth Report be, and it is hereby, deferred pending further study by the Court; and it is further

ORDERED, that the rule changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after February 1, 1995, and insofar as practicable, to all actions then pending; and it is further



ORDERED, that a copy of this order be published in the next issue of the Maryland Register.



MARYLAND RULES OF PROCEDURE

TITLE 2 - CIVIL PROCEDURE -- CIRCUIT COURT

CHAPTER 100 - COMMENCEMENT OF ACTION AND PROCESS

AMEND Rule 2-111 (a) to allow exceptions to the information report requirement by administrative order of the Court of Appeals and to state consequences of a plaintiff's failure to file a required information report, as follows:

Rule 2-111. PROCESS -- REQUIREMENTS PRELIMINARY TO SUMMONS

(a) Information Report

Except as otherwise provided by administrative order of the Chief Judge of the Court of Appeals approved by the Court of Appeals, [T]he plaintiff shall file with the complaint an information report substantially in the form available from the clerk pursuant to Rule 1211 b. If the plaintiff fails to file a required information report with the complaint, the court may proceed without the plaintiff's information to assign the action to any track within the court's differentiated case management system.

Committee note: By administrative order of the Chief Judge approved by the Court of Appeals on February 1, 1995, an information report is not required to be filed with a complaint entirely within one or more of the following categories:

- (1) Appeal from District Court (Rules 7-101 - 7-116);
- (2) Transfer from District Court on jury trial prayer (Rule 2-326);
- (3) Judicial review of administrative agency (Rules 7-201 - 7-210);
- (4) Certiorari in circuit court (Rule 7-301);



(5) Appeal from orphans' court (Code, Courts Art., §12-502);

(6) Juvenile case (Rules 900 - 922);

(7) Relief under Domestic Violence Act (Code, Fam. Law Art., §§4-501 - 4-516);

(8) Contempt for failure to pay child support, when petition filed by a government agency;

(9) Confessed judgment (Rule 2-611);

(10) Friendly suit; and

(11) The following special proceedings:

(A) Absent person -- termination of property interest (Rule A1);

(B) Burial ground -- action for sale (Rules J70 - J73);

(C) Contempt, civil or criminal, other than for violation of order or judgment entered in divorce or other action under Code, Fam. Law Art. (Rules P1 - P5);

(D) Fiduciary estate proceeding (Rules V70 - V85);

(E) Foreclosure (Rules W70 - W81);

(F) Habeas corpus (Rules Z40 - Z56);

(G) Guardianship, other than action to terminate parental rights (Rules R70 - R80);

(H) Judicial sales (Rules BR1 - BR7);

(I) Lis pendens -- proceeding to establish or terminate (Rules BD1 - BD4);

(J) Maryland Automobile Insurance Fund and uninsured motorists -- actions against (Rules BW1 - BW7);

(K) Mechanics' Lien (Rules BG70 - BG77);

(L) Name change (Rules BH70 - BH75);

(M) Paternity action, when filed by government agency (Code, Fam. Law Art. §§5-1001 - 5-1048);

(N) Post Conviction proceeding (Rules 4-401 - 4-408);



(O) Tax sale (Rule BS40; Code, Tax-Prop. Art.,
§§14-801 - 14-854); and

(P) Uniform Reciprocal Enforcement of Support Act
Proceeding (Code, Fam. Law Art. §§10-301 -
10-340).

. . .



-- MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE -- CIRCUIT COURT
CHAPTER 300 - PLEADINGS AND MOTIONS

AMEND Rule 2-323 (h) to delete the requirement that the defendant file a response to the plaintiff's information report in every case, require the defendant to file an information report under certain circumstances, and state consequences of the defendant's failure to file a required information report, as follows:

Rule 2-323. ANSWER

. . .

(h) [Response to] Defendant's Information Report

[The defendant shall file with the answer a brief statement indicating (1) the defendant's concurrence with the information included in the plaintiff's information report filed pursuant to Rule 2-111(a) or the nature of any disagreement with that information and (2) whether the defendant has filed or expects to file a cross-claim, counterclaim, or third party claim. In place of that statement, the defendant may file a separate information report substantially in the form included with the summons.] The defendant shall file with the answer an information report substantially in the form included with the summons if (1) the plaintiff has failed to file an information report required by Rule 2-111 (a), (2) the defendant disagrees with anything contained in an information report filed by the



plaintiff, (3) the defendant disagrees with a differentiated case management track previously selected by the court, or (4) the defendant has filed or expects to file a counterclaim, cross-claim, or third-party claim. If the defendant fails to file a required information report with the answer, the court may proceed without the defendant's information to assign the action to any track within the court's differentiated case management system or may continue the action on any track previously assigned.

. . .



MARYLAND RULES OF PROCEDURE

CHAPTER 1200

COURT ADMINISTRATION

AMEND Rule 1211 b to require the clerk of each circuit court to make available for public inspection a copy of the current administrative order exempting certain categories of actions from the information report requirement, as follows:

Rule 1211. Assignment of Actions for Trial.

. . .

b. Case Management Plan; Information Report.

. . .

(4) The clerk of each circuit court shall make available for public inspection a copy of the current administrative order of the Chief Judge of the Court of Appeals exempting categories of actions from the information report requirement of Rule 2-111 (a).



IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER
EXEMPTING CERTAIN CATEGORIES OF ACTIONS
FROM
INFORMATION REPORT REQUIREMENT
UNDER RULES 2-111 AND 2-323

WHEREAS, Rule 2-111(a) requires a plaintiff filing an action in circuit court to file an information report with the complaint, except as otherwise provided by administrative order of the Chief Judge of the Court of Appeals approved by the Court of Appeals; and

WHEREAS, Rule 2-323 requires a defendant in circuit court to file an information report in certain circumstances, where an information report is required by the plaintiff; and

WHEREAS, the Circuit Court Differentiated Case Management Committee and the Court of Appeals Standing Committee on Rules of Practice and Procedure have recommended that certain categories of actions be exempted from the requirement of filing an information report;

NOW, THEREFORE, I, Robert C. Murphy, Chief Judge of the Court of Appeals and the administrative head of the Judicial Branch of this State, pursuant to the authority conferred by Article IV, § 18 of the Constitution and Rule 2-111, do, this 1st day of February, 1995,

ORDER, That the following categories of actions be exempt from the requirement of an information report under Rules 2-111 and 2-323:



- (1) Appeal from District Court (Rules 7-101 - 7-116);
- (2) Transfer from District Court on jury trial prayer (Rule 2-326);
- (3) Judicial review of administrative agency (Rules 7-201 - 7-210);
- (4) Certiorari in circuit court (Rule 7-301);
- (5) Appeal from orphans' court (Code, Courts art., § 12-502);
- (6) Juvenile case (Rules 900 - 922);
- (7) Relief under Domestic Violence Act (Code, Fam. Law art., §§ 4-501 - 4-516);
- (8) Contempt for failure to pay child support, when petition filed by a government agency;
- (9) Confessed judgment (Rule 2-611);
- (10) Friendly suit;
- (11) The following special proceedings:
 - (a) Absent person — termination of property interest (Rule A1.);
 - (b) Burial ground — action for sale (Rules J70 - J73);
 - (c) Contempt, civil or criminal, other than for violation of order or judgment entered in divorce or other action under Code, Fam. Law. art. (Rules P1 - P5);
 - (d) Fiduciary estate proceeding (Rules V70 - V85);
 - (e) Foreclosure (Rules W70 - W81);
 - (f) Habeas corpus (Rules Z40 - Z56);
 - (g) Guardianship, other than action to terminate parental rights (Rules R70 - R80);
 - (h) Judicial sale (Rules BR1 - BR7);
 - (i) Lis pendens — proceeding to establish or terminate (Rules BD1 - BD4);
 - (j) Maryland Automobile Insurance Fund and uninsured motorists — actions against (Rules BW1 - BW7);
 - (k) Mechanics' Lien (Rules BG70 - BG77);

- (l) Name change (Rules BH70 - BH75);
- (m) Paternity action, when filed by government agency (Code, Fam. Law art. §§ 5-1001 - 5-1048);
- (n) Post Conviction proceeding (Rules 4-401 - 4-408);
- (o) Tax sale (Rule BS40; Code, Tax-Prop. art., §§ 14-801 - 14-854;
- (p) Uniform Reciprocal Enforcement of Support Act proceeding (Code, Fam. Law art. §§ 10-301 - 10-340).


Robert E. Murphy
Chief Judge

Approved by the Court of Appeals and filed this first day of February, 1995:


Clerk



Circuit Court for _____
City or County

CIVIL—DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: ☐ PLAINTIFF ☐ DEFENDANT CASE NUMBER: _____
(Clerk to insert)

CASE NAME: _____ v _____
Plaintiff Defendant

PARTY'S NAME: _____ PHONE: (____) _____
(Daytime phone)

ADDRESS: _____

PARTY'S ATTORNEY'S NAME: _____ PHONE: (____) _____

ATTORNEY'S ADDRESS: _____

☐ I am not represented by an attorney

RELATED CASE PENDING? ☐ Yes ☐ No If yes, Court and Case #(s), if known: _____

Special Requirements? ☐ Interpreter/communication impairment
☐ Other ADA accommodation: _____

Has Alternative Dispute Resolution (ADR): been tried? ☐ Yes ☐ No
requested? ☐ Yes ☐ No

If yes, specify: _____

IS THIS CASE CONTESTED? ☐ Yes ☐ No If yes, which issues appear to be contested?

- ☐ Ground for divorce
- ☐ Child custody ☐ Visitation
- ☐ Child support
- ☐ Alimony: ☐ Permanent ☐ Rehabilitative
- ☐ Use and possession of family home and property
- ☐ Marital property issues involving:
 - ☐ Valuation of business ☐ Pensions ☐ Bank accounts/IRA's ☐ Real property
 - ☐ Other: _____
- ☐ Paternity
- ☐ Adoption/termination of parental rights
- ☐ Other: _____

Request is made for: ☐ Initial order ☐ Modification ☐ Contempt ☐ Absolute Divorce ☐ Limited Divorce

For non-custody/visitation issues, do you intend to request:

- ☐ Court-appointed expert (name field) _____
- ☐ Initial conference with the Court
- ☐ Mediation by a Court-sponsored settlement program
- ☐ Other: _____

For custody/visitation issues, do you intend to request:

- ☐ Mediation by a private mediator
- ☐ Evaluation by mental health professional
- ☐ Other evaluation _____
- ☐ Appointment of counsel to represent child (not just to waive psychiatric privilege)
- ☐ A conference with the Court

Is there an allegation of physical or sexual abuse of party or child? ☐ Yes ☐ No

CASE NAME: _____ v _____ CASE NUMBER: _____
Plaintiff Defendant (Clerk to insert)

TIME ESTIMATE FOR A MERITS HEARING: _____ hours _____ days

TIME ESTIMATE FOR HEARING OTHER THAN A MERITS HEARING: _____ hours _____ days

Signature of Counsel/Party

Date

Print Name

Street Address

City/State/ZIP



Circuit Court for _____

City or County _____

CIVIL—NON-DOMESTIC CASE INFORMATION REPORT**Directions:**

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: ☐ PLAINTIFF ☐ DEFENDANTCASE NUMBER: _____
(Clerk to insert)CASE NAME: _____
Plaintiff v DefendantJURY DEMAND: ☐ Yes ☐ No Anticipated length of trial: _____ hours or _____ daysRELATED CASE PENDING? ☐ Yes ☐ No If yes, Case #(s), if known: _____HAS ALTERNATIVE DISPUTE RESOLUTION (ADR):
Been Tried? ☐ Yes ☐ No
Requested? ☐ Yes ☐ No

If yes, specify: _____

Special Requirements? ☐ Interpreter/communication impairment
☐ Other ADA accommodation: _____

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES / RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY RELIEF <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____

TRACK REQUEST

With the exception of Baltimore County, Baltimore City, and Prince George's County, please fill in the estimated **LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.**

- | | |
|---|---|
| <input type="checkbox"/> 1/2 day of trial or less | <input type="checkbox"/> 3 days of trial time |
| <input type="checkbox"/> 1 day of trial time | <input type="checkbox"/> More than 3 days of trial time |
| <input type="checkbox"/> 2 days of trial time | |

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.

Date: _____ Signature: _____



IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (check only one)

- | | |
|---|---|
| <input type="checkbox"/> Expedited | Trial 60 to 120 days from notice. Non-jury matters. |
| <input type="checkbox"/> Standard-Short | Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments. |
| <input type="checkbox"/> Standard-Medium | Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000. |
| <input type="checkbox"/> Standard-Complex | Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000. |
| <input type="checkbox"/> Lead Paint | Trial per model order. |
| <input type="checkbox"/> Asbestos | Events and deadlines set by individual judge. |
| <input type="checkbox"/> Protracted Cases | Complex cases designated by the Administrative Judge. |

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

- | | |
|------------------------------------|---|
| <input type="checkbox"/> TRACK I | Cases having Judicially-assessed values under \$25,000. |
| <input type="checkbox"/> TRACK II | Cases having Judicially-assessed values greater than \$25,000 but not complex litigation. |
| <input type="checkbox"/> TRACK III | Non-jury. |
| <input type="checkbox"/> TRACK IV | Statutory Priority Jury Track. |
| <input type="checkbox"/> TRACK V | Complex Litigation (Business, Tort, Orphan's Court Appeals). |

LIABILITY FACTORS

- | | |
|---|---|
| <input type="checkbox"/> Rear-end | <input type="checkbox"/> Left-hand Turn |
| <input type="checkbox"/> Slip and Fall | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Intersection | |
| <input type="checkbox"/> Changing Lanes | |

INJURY FACTORS

- | | |
|---|---|
| <input type="checkbox"/> Soft Tissue | <input type="checkbox"/> Herniated Disk |
| <input type="checkbox"/> Broken Bones | <input type="checkbox"/> Severe Head Injury |
| <input type="checkbox"/> Joint Damages
(knee, ankle, etc.) | <input type="checkbox"/> Other: _____ |

CIRCUIT COURT FOR BALTIMORE COUNTY

- | | |
|---|---|
| <input type="checkbox"/> Expedited
(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus. |
| <input type="checkbox"/> Standard
(Trial Date-240 days) | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases. |
| <input type="checkbox"/> Extended Standard
(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex
(Trial Date-450 days) | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases. |

